

ASSEMBLY BILL

No. 2834

Introduced by Assembly Member Maze

February 22, 2008

An act relating to space flight.

LEGISLATIVE COUNSEL'S DIGEST

AB 2834, as introduced, Maze. Commercial space flight.

Existing state law governs contracts for the conveyance of property, persons, or messages from one place to another. State law also provides a tax exemption for the gross receipts from the sale of, and the storage, use, or other consumption in the state of, qualified property, as defined, for use in space flight.

Federal law specifically governs commercial space flight activities. Among other provisions, federal law requires that space flight providers obtain the written consent of space flight participants and liability insurance.

This bill would set forth legislative findings and declarations relating to commercial human space flight in this state and related definitions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The commercial human space flight industry is a new and
- 4 exciting endeavor. Private industry has begun to develop vehicles
- 5 capable of carrying human beings into space, and the State of

1 California and its citizens will gain significant economic and
2 personal benefits from the development of a successful and robust
3 commercial human space flight industry, while playing a significant
4 role in its growth.

5 (b) Commercial human space flight activities involve inherent
6 risks, and all of the following must be considered:

7 (1) These inherent risks provide the challenge and excitement
8 that entice space flight participants to participate in these activities.

9 (2) Space flight participants should be informed of the risks
10 inherent in space flight activities, accept these risks, and be
11 responsible for injuries, death, and damages resulting from those
12 inherent risks before participating in space flight activities.

13 (3) The State of California has a legitimate interest in
14 maintaining the economic viability of the commercial human space
15 flight industry by encouraging space flight activities in spite of the
16 risks associated with injury to or death of the participants.

17 (4) Space flight activities are viewed as adventure activities
18 intending to offer space flight participants an entertainment or
19 recreation experience and the opportunity to take part in the
20 excitement of private space exploration and development.

21 (5) The participants in these activities are generally expected
22 to be educated and knowledgeable individuals of sound mind with
23 the resources, legal and otherwise, necessary to understand the
24 risks inherent in space flight activities.

25 (c) Federal law supports the determination that commercial
26 human space flight is an important new industry and should not
27 be extensively regulated as follows:

28 (1) Stating that the nascent commercial human space flight
29 industry is inherently risky.

30 (2) Stating that the developing commercial human space flight
31 industry should not be regulated in such a way as to stifle
32 technology development.

33 (3) Requiring space flight participants to sign a written informed
34 consent document, indicating that the space flight participant has
35 voluntarily chosen to accept the risks associated with commercial
36 human space flight and other space flight activities.

37 (d) For purposes of this title, the following definitions apply:

38 (1) "Inherent risks" means those dangers or conditions that are
39 characteristic of, intrinsic to, or an integral part of, space flight
40 activities.

1 (2) “Participant” means any “space flight participant” as defined
2 in Section 70102(17) of Title 49 of the United States Code as it
3 read on January 7, 2008.

4 (3) “Space flight activity” means launch services or reentry
5 services as defined in Section 70102(17) of Title 49 of the United
6 States Code as it read on January 7, 2008, and any portion of flight
7 occurring between launch and reentry, and any activity that has a
8 primary purpose of preparing a space flight participant for launch,
9 reentry, or the intervening flight.

10 (4) “Space flight activity provider” means any public or private
11 entity holding, either directly or through a corporate subsidiary or
12 parent, a license, permit, launch, or reentry site license, safety
13 approval, payload approval, or other authorization issued or
14 modified pursuant to Sections 70105, 70105a, or 70107 of Title
15 49 of the United States Code as those sections read on January 7,
16 2008. “Space flight activity provider” shall also include any
17 manufacturer or supplier of launch vehicles, reentry vehicles, or
18 other space flight vehicles or component parts, as well as any
19 supplier of training or services that are provided for a space flight
20 activity.

21 (5) Any other term used in this section that is defined in Section
22 70102 of Title 49 of the United States Code as it read on January
23 7, 2008, as of the time of enactment of this section, shall retain
24 that definition.